

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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DANA MANZA, individually and on  
behalf of all other similarly situated,

Plaintiff,  
v.

Case No.: 24-CV-690-amb

PESI, INC.,

Defendant.

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**DEFENDANT’S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME  
TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS**

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Defendant PESI, Inc., (“Defendant”) by and through its attorneys, Hinshaw & Culbertson LLP, respectfully requests a fourteen (14) day enlargement of time to file its reply brief in support of its Motion to Dismiss the Amended Complaint (Doc. No. 15). In support of its motion, Defendant states that good cause exists for this request for the following reasons:

1. On December 6, 2024, Plaintiff filed a 155-paragraph Amended Complaint. (Doc. No. 13.) The Amended Complaint asserts four putative class actions based on four alleged violations of the Video Privacy Protection Act (“VPPA”). (*Id.*)

2. On December 16, 2024, Defendant filed its Motion to Dismiss the Amended Complaint and 26-page Memorandum in Support (“Motion”). (Doc. Nos. 15-16.) Defendant’s Motion seeks dismissal of the entire Amended Complaint—i.e., all four putative class actions and all four causes of action. (*Id.*) Specifically, Defendant requests dismissal because: (i) Defendant is not a “video tape service provider” subject to the VPPA; (ii) Plaintiff’s web browser’s default privacy settings precluded three of four alleged VPPA violations from occurring; and (iii) each of the four

types of alleged disclosures did not disclose “personally identifiable information” as defined by the VPPA. (*Id.*)

3. On December 26, 2024, the Court granted a stipulation to extend Plaintiff’s deadline to respond to the Motion from January 6, 2025 to January 20, 2025. (Doc. No. 22.)

4. Due to the court holiday on January 20, 2025, Plaintiff did not file her response in opposition to the Motion until the next day, January 21, 2025. (Doc. No. 26.) Plaintiff’s response is 36 pages long, including 29 pages of legal arguments. (*See id.* at 8-36.)

5. Defendant’s deadline to file its reply is currently January 30, 2025, only nine days after Plaintiff’s response was filed. (Doc. No. 22.)

6. Defendant has been working diligently to process and investigate the numerous arguments and authorities set forth in Plaintiff’s response. However, in light of the length of the briefing and the amount and complexity of issues, Defendant needs additional time to fully address Plaintiff’s arguments and file its reply.

7. Accordingly, Defendant requests that its deadline to file its reply be enlarged by fourteen (14) days, to and including February 13, 2025.

8. Defendant’s counsel conferred with Plaintiff’s counsel regarding the requested enlargement via email on January 23-24, 2025. Plaintiff’s counsel advised that Plaintiff has no objection to such enlargement, and based on this statement, Defendant understands that this request is unopposed.

9. Defendant requests this extension in good faith, and not for any improper purpose. No party will be prejudiced if this extension is granted, and no other deadlines will be disturbed.

WHEREFORE, Defendant PESI, Inc. respectfully requests that this Court grant its motion for a 14-day enlargement of time to file its reply brief in support of its Motion to Dismiss (Doc. No. 15), to and including February 13, 2025, along with any other relief the Court deems just and proper.

Dated this 24<sup>th</sup> day of January, 2025.

*Electronically signed by Brett B. Larsen*

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